

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 18-CR-1030-CJW
)	
vs.)	
)	
TAVIAN RENE SCHUSTER,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

WHEREAS, an Indictment was filed on August 8, 2018, charging defendant with a violation of 18 U.S.C. § 922(g)(3), being an unlawful user of a controlled substance (marijuana) in possession of a firearm, with a forfeiture allegation included seeking the forfeiture of a HiPoint Model C9, 9 mm pistol;

AND WHEREAS, on September 13, 2018, defendant pled guilty to Count 1 of the Indictment before the Honorable U.S. District Court Judge, C.J. Williams;

AND WHEREAS, Judge Williams entered an Order on September 13, 2018, concerning the defendant's guilty plea entered on September 13, 2018, to Count 1 of the Indictment (Document #20);

AND WHEREAS, pursuant to the provision of Rule 32.2(b)(1)(A) of the Federal Rules of Criminal Procedure, Judge Williams found that the government had established the requisite nexus between the property subject to forfeiture, the firearm, and the offense

as charged in Count 1 of the August 8, 2018, Indictment, a prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(3);

AND WHEREAS, pursuant to the Court's September 13, 2018, Order concerning defendant's guilty plea, the United States moved for a Preliminary Order of Forfeiture on December 3, 2018, pursuant to Rule 32.2(b)(2)(A), seeking a Preliminary Order of Forfeiture, after the Court's finding establishing the requisite nexus between the firearm and the offense (Document #24);

AND WHEREAS, on December 3, 2018, this Court entered a Preliminary Order of Forfeiture, pursuant to the provisions of 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c), based upon the defendant's guilty plea entered on September 13, 2018, in which the Court ordered the forfeiture of any interest defendant had or has in the firearm alleged to be subject to forfeiture under the Forfeiture Allegation of the August 8, 2018, Indictment (Document #25);

AND WHEREAS, notice of this forfeiture was posted on www.forfeiture.gov for 30 consecutive days beginning May 8, 2019, and continuing through June 6, 2019, of the United States' intent to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property (Document #36);

AND WHEREAS, on May 30, 2019, Anthony Christopher Banks was served by certified mail, return receipt with Notice of Forfeiture and a copy of the Preliminary Order of Forfeiture (Document #37);

AND WHEREAS, no third-party claims have been made for return of seized property against the firearm included in the Preliminary Order of Forfeiture;

AND WHEREAS, defendant Tavian Rene Schuster was sentenced on March 6, 2019, forfeiture having been orally pronounced, and said judgment having been filed on March 7, 2019; (Document #34);

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That any right, title, and interest defendant has or had in the hereinafter described property is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

2. That the following property seized from Tavian Rene Schuster who is the subject of this Order, is hereby condemned and forfeited to the United States of America, as follows:

a HiPoint Model C9, 9mm pistol, bearing serial number P1940259, seized from defendant on or about February 1, 2018, in Dubuque, Iowa.

3. That the Bureau of Alcohol, Tobacco, Firearms and Explosives is hereby authorized to dispose of the firearm identified in paragraph 2 above, as well as any ammunition, if seized.

4. That the United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

IT IS SO ORDERED this 10th day of July, 2019.



C.J. Williams
United States District Judge
Northern District of Iowa